

HOUSE BILL 2470
By Baird

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 5, relative to bullying of teachers by
principals and administrators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding
Section 2 through 7 as a new, appropriately designated part:

SECTION 2. The general assembly hereby finds and declares that:

(1) A safe and civil environment is necessary, if teachers are to teach effectively
and to motivate their students to attain high academic levels;

(2) Harassment, intimidation or bullying, like other disruptive or violent behavior
when directed toward teachers by principals or administrators demoralizes both the
targeted teacher and that teacher's colleagues leading to frustration, discouragement,
and diminished effectiveness in the classroom that disrupts a school's ability to educate
its students; and

(3) Principals and administrators who demonstrate appropriate behavior, treating
teachers with civility and respect, encourage teachers and students to act appropriately
as well.

SECTION 3. As used in this part, "harassment, intimidation or bullying" means any act
that has the effect of creating a hostile workplace environment which substantially interferes
with a teacher's ability to teach or perform school-related duties and functions and that takes
place on school grounds, at any school-sponsored activity, or while on official school business.

SECTION 4.

(a) Each LEA shall adopt a policy prohibiting harassment, intimidation or bullying of teachers by principals or administrators.

(b) LEAs are encouraged to include in such policies:

(1) A statement prohibiting harassment, intimidation or bullying;

(2) A definition of harassment, intimidation or bullying;

(3) A description of the type of behavior expected from each principal and administrator;

(4) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

(5) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously. Nothing in this section may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(6) A procedure for prompt investigation of a report of an act of harassment, intimidation or bullying;

(7) A statement of the manner in which the LEA shall respond after an act of harassment, intimidation or bullying is reported, investigated and confirmed;

(8) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying;

(9) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(10) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying as a means of reprisal or retaliation or as a means of harassment, intimidation or bullying;

(11) A statement of how the policy is to be publicized to teachers, including a notice that the policy applies to behavior at school-sponsored activities or while on official school business; and

(12) The identification by job title of school officials responsible for ensuring that the policy is implemented.

SECTION 5. Each LEA shall adopt a policy prohibiting harassment, intimidation or bullying and transmit a copy of the policy to the commissioner of education by January 1, 2007.

SECTION 6.

(a) A principal, administrator, teacher or other school employee may not engage in reprisal or retaliation against a victim of, witness to, or person with reliable information about an act of harassment, intimidation or bullying.

(b) A principal, administrator, teacher, school employee, student or volunteer who witnesses or has reliable information that a teacher has been subjected to an act of harassment, intimidation or bullying by a principal or administrator is encouraged to report the act to the appropriate school official designated by the LEA's policy.

(c) A principal, administrator, teacher or school employee who promptly reports an act of harassment, intimidation or bullying to the appropriate school official in compliance with the procedures set forth in the LEA's policy is immune from a cause of action for damages arising from any failure to remedy the reported act.

SECTION 7. School districts are encouraged to form harassment, intimidation or bullying prevention task forces, programs, and other initiatives involving teachers, principals and

administrators and to provide in-service training to prevent harassment, intimidation or bullying of teachers by principals or administrators.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.